

NO. 25381

IN THE SUPREME COURT OF THE STATE OF HAWAII

EUGENE JAMES HUTCH, Petitioner-Appellant

vs.

STATE OF HAWAII, Respondent-Appellee

APPEAL FROM THE FIRST CIRCUIT COURT
(S.P.P. NO. 02-1-0052)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, and Acoba, JJ.
and Circuit Judge Nakamura, assigned by reason of vacancy)

Upon review of the record, it appears we lack appellate jurisdiction over Petitioner-Appellant Eugene James Hutch's (Appellant Hutch) appeal. The circuit court, the Honorable Wilfred K. Watanabe presiding, has not entered a written order or judgment denying Appellant Hutch's HRPP Rule 40 petition for post-conviction relief. "[A] minute order is not an appealable order." Abrams v. Cades, Schutte, Fleming & Wright, 88 Hawai'i 319, 321 n.3, 966 P.2d 631, 633 n.3 (1998). Therefore, Appellant Hutch's appeal is premature, and we lack appellate jurisdiction. Accordingly,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawaii, January 29, 2003.